



Convention on the Elimination of All Forms of Discrimination against Women

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Summary record of the 752nd meeting (Chamber B)

Held at Headquarters, New York, on Thursday, 17 August 2006, at 3 p.m.

Chairperson: Ms. Belmihoub-Zerdani (Vice-Chairperson)

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In the absence of Ms. Manalo, Ms. Belmihoub-Zerdani, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Sixth periodic report of Mexico (continued)
(CEDAW/C/MEX/6, CEDAW/C/MEX/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Mexico took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. Espinosa** (Mexico) said that there were structural causes for the violence against women that existed throughout Mexico, not merely in Ciudad Juárez, and that resulted from the patriarchal tradition that permeated all levels of society. Mexico appeared to be a violent country, but that was because, in recent years, a large number of mechanisms and indicators had been developed to measure domestic violence and violence against women in general.

3. The National Survey on the Dynamics of Household Relationships (ENDIREH), as well as other surveys on domestic violence, had produced alarming statistics: for example, 47 per cent of women had experienced some form of emotional, financial, physical or sexual violence. The ENDIREH was one of the most complete surveys carried out in Latin America, because it covered 55,000 households. It had revealed that there was more violence in the northern part of the country than in the southern states. There was also more violence against women with a higher level of education and financial autonomy, but that was because they were more aware of what constituted domestic violence. At the national level, there had been an increase in awareness-raising activities with the development of actions to combat the structural reasons underlying violence against women.

4. Regarding human trafficking, an inter-institutional group was preparing an opinion to enhance the draft law which would be discussed by the Chamber of Deputies during the autumn. The Federal Preventive Police had recently detained 10 child-traffickers, and several other individuals accused of

crimes relating to the sexual exploitation of children, and had rescued 138 children and 41 women from situations of sexual exploitation. Implementation of the National Campaign on Equity and Comprehensive Security for Women had also led to the arrest of several sex offenders and more than 400 women had been rescued, while the Cybernetic Police, which dealt with Internet crime, had rescued 105 children and brought charges against more than 60 individuals.

5. Much remained to be done in the area of access to justice, but some progress had been made. Regarding the administration of justice, the manual, "Judging with a Gender Perspective" indicated that the Convention had been invoked in more than 20 rulings by judges in different states. The federal system often made it difficult to ensure prompt and effective justice, but the law established clearly the specific jurisdictions of the Federation, the states and the municipalities.

6. The National System for Comprehensive Development of the Family, which incorporated 32 state systems and over 2,400 municipal systems, provided attention to victims of violence and an ombudsman system that coordinated attention in the human rights area.

7. Mexico had begun implementing a national programme against gender-based violence. In Ciudad Juárez, impunity was gradually being reduced and a significant effort was being made in the areas of education, training and prevention at all levels and in both the public and the private sectors. It would take time to eliminate violence completely, owing to its profound structural roots; but the necessary social condemnation of machismo, misogyny and sexual violence was being developed.

8. In 2000, Mexico had ratified International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. In 2002, Mexico and the United States had signed a joint declaration on collaboration to prevent and eliminate child sexual exploitation and, as a result, a pilot project had been implemented in three major tourist centres: Acapulco, Guadalajara and Tijuana.

Articles 7 to 9

9. **Ms. Tavares da Silva** said the report showed that the 2002 amendments to the Federal Code of Electoral Institutions and Procedures had increased the

representation of women in Congress; however, the numbers had remained static following the recent elections and there had been no visible progress in other areas, such as representation in high-level positions in the three levels of government. Also, according to the report, the situation in the foreign service had remained virtually unchanged; the higher the level, the lower the percentage of women. The National Institute for Women (Inmujeres) was promoting a series of initiatives. It would be interesting to know what other policies and measures would be implemented to promote the equal participation of women in all decision-making bodies; particularly to overcome the obstacles that had been mentioned in relation to the discriminatory culture of the Government and the political parties, and the constraints arising from the traditional role of women in the family.

10. The current situation was unsatisfactory, particularly at the level of local government. There were some remarkable women, in both politics and diplomacy, who had overcome the constraints and it was to be hoped that an increase of women in government would lead to a more democratic organization of the State. In that regard, it was necessary to seek parity rather than mere equity.

11. **Ms. Popescu** noted that one of the main obstacles to achieving gender equality remained the discriminatory culture within the Government and the political parties, because it signified a lack of political will.

12. She wished to know whether there were initiatives or projects that targeted men, particularly political leaders, since most of the initiatives mentioned focused on women. It was important to target high-level decision-makers to produce a qualitative change. She also asked whether there were any mechanisms for monitoring the Programme of Gender Mainstreaming in the Federal Civil Service, to ensure that it achieved the proposed results and whether, under the civil service career regulations, there were any enforcement mechanisms that had led to lawsuits by women on grounds of gender-based discrimination.

13. It would be useful to know whether any specific programmes existed to empower indigenous women, to help them participate in decision-making in their

communities and also at State level, especially in those states with a majority indigenous population.

14. The number of women recently elected in the different states varied widely, ranging from 8 to 31 per cent. She asked whether there were any initiatives to encourage the exchange of best practices among the states concerning the promotion of women.

15. Regarding the General Act on Equality between Women and Men, she enquired about the scope of the act, its implementation mechanisms, and the instruments available to the National Human Rights Commission to ensure its implementation.

16. **Ms. Espinosa** (Mexico) said that significant progress had been made in increasing the percentage of women in Government; nevertheless a cultural change was called for and that involved many people. During the recent elections, 30 per cent of the candidates had been women, but only 24 per cent had been elected. The under-representation of women was most acute at the municipal level, with very few women mayors (4 per cent); however, more than 30 per cent of councillors were women. The National Institute for Federalism and Municipal Development measured the progress made by women at the local government level, and coordinated efforts were being carried out with the Ministries of Health, Education, and Labour and at the different levels of government to try and eliminate the culture of discrimination.

17. **Mr. Gómez Robledo** (Mexico) said that, currently, women represented only 40 per cent of the personnel of the diplomatic service; however, more women than men had recently entered the service and they were working their way up. Over the last five years, 13 women had been appointed as heads of mission. However, admittedly, there was still a vast gender gap, because only 16 of Mexico's 78 ambassadors were women.

18. **Ms. Espinosa** (Mexico) said that programmes had been developed to promote women's leadership at the local level, through training workshops to empower women. However, there was still a need to bring pressure to bear on political parties to propose women candidates for public office and promote women as party leaders.

19. The purpose of the Programme of Gender Mainstreaming in the Federal Civil Service was to ensure that a gender perspective crosscut all the

Federal Government's policies and also to gradually eliminate all the existing obstacles to the advancement of women, in coordination with State and municipal governments. The programme had been implemented in more than 20 government offices and progress was being monitored. The Civil Service Ministry had assumed the commitment to monitor that all the Federal Government's programmes and policies took the programme into account in order to develop a new culture.

20. It was evident that men had to be incorporated into the process in order to achieve a change in attitude. Work was being carried out with men and women throughout the federal civil service, particularly on the issue of masculinity. Training workshops on the issue had been offered to officials in the three branches of government in order to overcome stereotypes and a system of evaluation had been established to measure achievements.

21. It was hoped that the civil service career regulations would contribute to the professionalization of women and promote their representation at the higher level of the public administration.

22. **Ms. Gálvez** (Mexico) said that indigenous women were able to participate fully in political bodies and some women had become agricultural delegates. In relation to the education opportunities for indigenous women, five intercultural, bilingual universities had been established in regions with large indigenous populations. The Government had identified lack of access to education as one of the main causes of the social exclusion of indigenous women. In 2006, women accounted for 60 per cent of students in those bilingual universities. There were plans to establish ten more intercultural universities by September 2006 and community grants were awarded to indigenous women to enable them to enrol in higher education courses. In States with a significant indigenous presence, programmes had been established to address issues such as family violence, the reluctance to seek modern medical treatment, alcoholism, sex and reproductive health issues. There were also programmes aimed at strengthening the leadership opportunities available to indigenous women.

23. **Ms. Espinosa** (Mexico) said that an observatory had been established to monitor the implementation of the General Act on Equality between Women and Men and that sanctions were imposed on authorities and

civil servants who did not comply with the provisions of that act.

Articles 10 to 14

24. **Ms. Patten** said that the precarious working conditions of women in the maquila factories were of great concern to the Committee. It was important to know the specific measures that the Government was taking to eliminate the discriminatory practices of the managers of maquila firms and to ensure that those employers implemented all laws relating to gender equality and provided employees with social security and other benefits. There could be no doubt that employers were discriminating against women by dismissing women who were pregnant or breast feeding and by asking female employees to provide evidence that they were using contraception. It was unclear, however, why there was a delay in amending the Federal Labour Act so that it would be illegal for employers to impose pregnancy testing on female employees.

25. Further information should be provided on the measures taken by the Government to eliminate the wage differential between women and men in both the private and public sectors. It would be interesting to know whether the Government had taken steps to strengthen the labour inspectorate, whether there were special industrial courts that focused on wage discrimination and whether women were eligible for legal aid in those cases. The reporting state should indicate whether the principle of equal pay for equal work was upheld and whether sanctions were imposed on employers who paid women lower wages. The number of complaints that had been made by women should be indicated. The Committee would appreciate knowing whether the Government had taken steps to ensure the equal access of women to employment and training and to enable women to aspire to well-paid and non-traditional jobs. Further details should be provided on the macroeconomic and sectoral policies that had been established to promote gender equality and on the assistance the Government was providing to women of different incomes and social groups to enable them to establish microenterprises.

26. **Ms. Arocha Domínguez** said that more statistical data were needed on the programmes and actions to reduce poverty. In relation to the maquila factories, it was unclear whether there were any other acts or provisions in addition to the Federal Labour Act that

were aimed at regulating the working conditions of employees. It had been documented that the North American Free Trade Agreement had not had a positive impact on Mexican agriculture. Women had lost their jobs and men had been forced to emigrate, leaving women to fend for themselves. It would be interesting to know whether research had been conducted to assess the impact of that Agreement on women.

27. **Ms. Dairiam** requested further information on the effectiveness of the health insurance scheme, on women's access to primary and secondary health-care services by geographical region and by social group and on the socio-economic barriers impeding the provision of comprehensive health care to women. It would be interesting to learn more about the maternal mortality rate for indigenous women by geographical area and the percentage of women that had access to obstetric services. It was unclear whether the health-care services provided to women in rural and remote areas were privatized or whether the women in those areas were covered by an insurance scheme. The Committee would appreciate knowing whether there was a comprehensive adolescent health programme to address the problem of teenage pregnancies and whether any study had been carried out on the reasons why women were choosing to have abortions. It was important to know whether the use of contraceptives was accepted among the rural, urban and indigenous populations and whether emergency contraception was widely available. The reporting state should clarify the measures that the Government had taken to ensure that the victims of rape were provided with adequate information about abortion and the steps that had been taken to monitor women's access to safe abortions.

28. **Ms. Gabr** said that further information was needed on budget priorities and the methodology used in allocating funds to urban and rural areas. It was important to increase the number of programmes aimed at providing social and economic benefits and to carry out evaluations of those programmes. In the context of the North American Free Trade Agreement, it would be interesting to know whether it was possible to increase the number of credits available. It would be useful to know more about the insurance coverage available to families when the head of the family was a woman.

29. **Ms. Shin** requested more statistical data on poverty levels, the literacy rate and the maternal mortality rate. In its concluding comments in response to the fifth periodic report of Mexico, the Committee

had recommended that women should be the agents of change and not merely the beneficiaries. In that connection, it would be interesting to know how the Government had involved women in plans for social development, in the Poverty Reduction Strategy and in other programmes. It should be clarified whether rural women were involved in planning and evaluating programmes. Amendments to the National Social Welfare System Law had been approved by the Chamber of Deputies and submitted to the Senate for review. Once the amendments had been approved, the State would provide welfare services to women victims of violence, to economically disadvantaged women and to women who had difficulties providing for their children. The Committee would appreciate knowing when the amendments would be adopted and the percentage of rural women who would benefit from the changes to the law.

30. **Ms. Martínez Verduzco** (Mexico) said that in 2002 the Government had entered into an arrangement with the maquila industry concerning the prohibition of certain unacceptable labour practices and issues of concern to women such as training, flexible hours and protection against hazardous working conditions. It was also working with trade unions, in particular with the Regional Confederation of Mexican Women Workers, to promote good employment practices. The Secretariat for Labour and Social Security provided free advice to women and family members about their labour rights and offered help in finding a lawyer in cases of violation of those rights. A special unit of the Secretariat monitored the working conditions of women workers and conducted inspections on a regular or exceptional basis to ensure implementation of the labour law.

31. Women working in the formal sector enjoyed social security coverage, health insurance and a savings scheme for retirement. The Government had also addressed the complaints of workers outside the formal sector. The National Council against Discrimination was responsible for preventing discrimination and integrating women in the formal sector. The Government had prepared, in cooperation with the International Labour Organization (ILO), a manual on good labour practices. It was also working with ILO on a programme to provide employment for women, including women working in the maquila industry.

32. With respect to the Federal Labour Act, in 2002 the Government had drafted amendments to the Act, adding fines and other measures to combat sexual harassment or dismissal of women from work owing to pregnancy or the need to care for small children. The amendments were under consideration in Parliament. The amendments to the Act to eliminate the need for a certificate of non-pregnancy in applications for employment were still being considered by the Senate and Chamber of Deputies.

33. **Ms. Gurza** (Mexico) said that, despite many microcredit, training and other programmes for the promotion of women, much remained to be done to combat poverty and meet the needs of rural women in Mexico. All such social programmes were subject to external auditing and regular review by experts. Those evaluations enabled the Government to carry out an overall review of gender-related programmes to make the necessary improvements, including the development of new strategies and policies. Gradually increasing the productivity of women was one of the main pillars of the Government's employment policy.

34. The Government's free trade policies did not have a specific direct impact on rural women. Migration, however, did bear directly on them: migration of men from Mexico left women in a vulnerable and unequal situation. The Government had therefore taken measures to address the problems faced by women-headed households.

35. The National Social Welfare System Law treated urban and rural women equally. There were a number of initiatives to improve the status of rural women, involving increased allocation of budget resources to rural women, training, business incentives and the promotion of women's land ownership rights. The Government was also striving to involve women in public policy planning. There were forums, meetings, workshops and seminars where urban and rural women met to contribute to public policy planning and to increase their participation at all levels of government.

36. Lastly, concerning indicators for advancing the status of women, 26,000 women were surveyed every four years using social and economic indicators which showed how women's lives in rural areas had improved.

37. **Mr. de la Rosa Medellín** (Mexico) said that the Technical Committee on Poverty Measurement monitored poverty in Mexico every year. The data

gathered helped the Government to develop policies and programmes. The aggregate data indicated that, at the national level, some 23 million people had been affected by food poverty in 2000; in 2004 the number had decreased to some 18 million. Furthermore, capacity poverty and patrimony poverty, the other two concepts used by the Committee to measure poverty, had also decreased in 2004, and the figures were being updated for 2006. The figures showed that Mexico had made progress in combating poverty.

38. In rural areas, food poverty figures had decreased from some 16 million persons in 2000 to 10 million in 2004, and those for patrimony poverty had declined from approximately 19 million to 14 million. As a result of migration from rural to urban areas, however, poverty rates in the cities had not improved. The level of food poverty and patrimony poverty remained the same. Poverty data were compiled by state and were available in the public domain, in accordance with new legislation on transparency.

39. **Ms. Uribe** (Mexico) said that the health system in Mexico was fragmented. Women working in the informal sector had no access to social security. Therefore, there was a need for major health reform to cover all women, particularly the poorest. Currently 11 million families, or 20 per cent of all families, were not covered or were partially covered by the social security system.

40. The Government had comprehensive data on reproductive health coverage. There was no information disaggregated by rural and urban areas, however. Women used preventive and curative services more than men. When reproductive health care was not factored in, there was an equal level of coverage between men and women. The Government was still analysing the results of the 2005 national reproductive health survey, which had covered access to reproductive health care in indigenous areas, where great progress had been made. There was still a need, however, to do more to close the gap between rural and urban areas. Maternal mortality rates had been broken down by state and municipality and indigenous and non-indigenous areas.

41. The Government was working with a number of international agencies to ensure that the data provided on female deaths were better than those used in the past, when some 50 per cent of such deaths had been unreported. Indigenous women were twice as likely to

die during childbirth as non-indigenous ones. Her Government was working to combat maternal mortality among indigenous women and had focused on poor indigenous regions. As a result, the rate had in fact been reduced and there had been improvements in the speed with which care was provided. It was not simply a matter of access to care, however. There was also a need to improve the quality of care. Most women were treated in hospital and other health facilities. There were still women, however, who died of preventable causes owing to a lack of care. There were efforts to train indigenous women using alternative models, including the training of local midwives, in areas far from hospitals.

42. Teenage pregnancies were a serious problem. Some 17 per cent of pregnant women were under 20. Twenty-six special units were being established to provide preventive care and contraception to teenage mothers. Abortion was the fifth leading cause of maternal death in Mexico and the Government had endeavoured to promote the use of modern contraceptive methods and conducted outreach programmes. The Government had provided guidelines for rape victims. Reproductive health services were generally free. Some forms of contraception did require payment, however. Those services reflected State policy embodied in the Constitution and every effort was being made to ensure that everyone had free access to them.

43. **Ms. Ortega Salazar** (Mexico) said that between 2000 and 2005 literacy had risen by some 2 percentage points every year. The illiteracy rate was higher among women than men. One fifth of all illiterate women were over 50 and female illiteracy was most common in the indigenous rural areas. Women enjoyed equal access to education at all levels. In some areas, women outnumbered men, such as doctoral-level studies, health studies, biology. There had been an increase in the number of women graduate students between 2000 and 2005. It had reached some 60 per cent in some fields. There was still a gap in basic education between boys and girls, mostly in urban areas and rural migrant areas.

44. The Government recognized the need for education to eliminate cultural stereotypes, starting in elementary schools and continuing until university. Preschool was obligatory for children from 4 to 5 and such schools were required to eradicate gender stereotypes. Textbooks were provided without charge.

Some 370,000 women teachers had received training in the elimination of stereotypes.

45. Lastly, the Ministry of Education adopted a gender perspective, including the way textbooks and other teaching materials were written. Furthermore, gender mainstreaming was part of a multicultural and multilingual environment.

46. **Ms. Díaz de León** (Mexico) said that women were entitled by law to a life without violence. Draft legislation guaranteeing that right was being considered by the Senate. The law sought to guarantee such a right irrespective of age, ethnic origin, religion and other factors, and incorporated the concept of defencelessness.

47. Concerning sexual and reproductive health, an initiative had been enacted by Parliament. Another initiative tackling the causes of abortion was being studied in the Chamber of Deputies. The initiative on measures to prevent femicide was also being considered by Parliament and a special parliamentary commission had been established to deal with that issue. While abortion was legal in some circumstances, many women who were given authorization to have an abortion performed encountered problems with the hospitals or physicians concerned.

48. With respect to minimum wages, the National Commission on Minimum Wages continued to set wages without taking gender into account. By law, Mexico had equal pay for equal work, and employers who violated that provision incurred fines. Although there was a pay gap, it was being reduced.

49. **Ms. Espinosa** (Mexico) said that, when women received authorization for abortion and went to the hospital, there was sometimes a lack of clarity as to which doctor would perform the abortion. That issue required further attention. Regarding the UNIFEM study, an analysis had been carried out with the participation of Inmujeres whose results had been used for activities to achieve the Millennium Development Goals and the goals of the Plan Puebla-Panamá. The National Commission on Minimum Wages did not distinguish between men and women. Mexico had equal pay for equal work and employers were fined for non-compliance. The pay gap had been reduced.

Articles 15 and 16

50. **Ms. Patten** noted that, in 26 states, the age of marriage was 14 for women and 16 for men. The Committee had recommended that the law be revised. She wondered what progress had been made and whether a time frame had been established for review and harmonization of the states' laws with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. She also wished to receive updates on the reform proposals contained in the report, including the draft decrees that would provide social recognition for domestic work performed by women in the home, consider domestic work as an economic contribution and eliminate the provision in the Federal Civil Code requiring women to wait for 300 days following divorce before remarrying.

51. A law criminalizing marital rape was necessary, since a judicial pronouncement was not sufficient. It would be helpful to know whether the Government intended to amend the Penal Code to include marital rape. It would also be useful to know whether there was a family law provision granting a woman with custody of young children the sole use and occupation of the matrimonial home. The Civil Code provided for the arrest or imprisonment of a parent who denied the other parent access to their children. Details of the implementation of the provision and its impact on women should be given. A child traumatized by witnessing acts of violence perpetrated by one parent on the other might refuse to see a parent even if the parent had not formally lost parental authority. In such cases the custodial parent might be liable for arrest and punishment. It would be useful to receive sex-disaggregated data on parents who had been imprisoned under that provision and to know whether there were family courts where mediation and counselling were provided.

52. **Ms. Díaz de Léon** (Mexico) said that there was a draft law which set the minimum age for marriage throughout Mexico at 17 years of age for both sexes. The age of 17 had been chosen for reasons related to reproductive capacity.

53. The Penal Code punished marital rape. There were states which did not refer to it in their codes, but the jurisprudence of the Supreme Court was binding on all states.

54. The obligation to wait for 300 days following a divorce before remarrying applied to men as well as women and to uncontested divorces. A divorced parent with custody had to grant the other parent access to the children. Visiting arrangements were established during divorce proceedings but were difficult to implement in practice. There were mediation centres in all states which could deal with family issues.

55. **Ms. Espinosa** (Mexico) said that gender mainstreaming had aided women's access to justice. Recent case law required judges to take account of gender in their rulings.

56. **The Chairperson** invited follow-up questions.

57. **Ms. Shin** noted that the head of the delegation had equated gender equality with equality of opportunity. However, the goal of the Convention was substantial equality, or equality of results. Upon receipt of the Committee's concluding comments a public forum should be organized, which would include representatives of NGOs, the Government and the media, at which future steps would be discussed.

58. **Ms. Tavares da Silva** expressed concern about violence against women in prison. An earlier answer had suggested that sexual assaults by the police were acceptable in response to concerns of national security. Extreme violence was never a response to any problem, even problems of national security.

59. **Ms. Arocha Domínguez** said that the statistics provided had been collected and presented in a very professional manner. However, it would be desirable to include information based on the statistics, such as an evaluation of trends, in the body of the report rather than in annexed tables, to provide a clearer understanding of issues.

60. The section in the report on the women's right to decide the number and spacing of their children lacked detail. The delegation was requested to include all statistical arguments to facilitate analysis of programme coverage.

61. The discussion of trafficking had concentrated on migration. Mexico had done much in the area of trafficking, but more details were requested.

62. **Ms. Espinosa** (Mexico) said that the concept of equality was understood in the broad sense, referring to results and not only opportunities. Upon receipt of the

Committee's concluding comments, information would be widely disseminated to stakeholders.

63. **Ms. Pérez Duarte y Noroña** (Mexico) said that all Mexican authorities deeply regretted the police violence which had occurred in early May. The Special Attorney's Office was handling the complaints of the women who had been attacked. Human rights should never be violated in the name of fighting crime. The Special Attorney's Office was working with the National Commission on Human Rights to ensure that justice was done.

64. **Ms. Espinosa** (Mexico) accepted the suggestions about presentation of statistics. However, the number of pages allowed for the report was a limiting factor. Much work was being done of trafficking in the context of an inter-institutional group. There were various initiatives, a directorate and training courses for representatives of the civil service and civil society. There was also a bill in the Senate which would soon be referred to the Chamber of Deputies. Work was being done to allow victims to remain in the country and have access to financial and legal resources to help the authorities punish the guilty parties. Thanks to population control policies, the average number of children per woman had been reduced to two, and the national population stood at 103 million. Without the policies, it would be over 120 million.

The meeting rose at 5.10 p.m.